

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

Levita Simmons, Administrator of the Estate  
of Arthur Scott, and Jeffrey Orvis,  
Administrator of the Estate of James Orvis,

Plaintiffs,

vs.

Tyson Foods, Inc., doing business as Tyson  
Pet Products, and Tyson Fresh Meats Group,  
a wholly owned subsidiary of Tyson Foods,  
Inc., John H. Tyson, Noel W. White, Dean  
Banks, Steven R. Stouffer, Tom Brower,  
Mary A. Oleksink, Elizabeth Croston, Scott  
Walston, David Scott, Tom Hart, Cody  
Brustkern, John Casey, Bret Tapken,  
Hamdija Beganovic, Ramiz Mujelic, and  
Unknown Plant Managers and Supervisors  
at Tyson Waterloo Plant and Unknown Plant  
Managers and Supervisors at Tyson  
Independence Plant,

Defendants.

CASE NO. 6:21-cv-02036

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**INDIVIDUAL DEFENDANTS TOM HART, CODY BRUSTKERN, JOHN CASEY,  
BRET TAPKEN, AND HAMDIIA BEGANOVIC'S MOTION TO DISMISS**

Defendants Tom Hart, Cody Brustkern, John Casey, Bret Tapken, and Hamdija Beganovic (herein, “Defendants”) join the Motion to Dismiss Individual Defendants filed today in this case by individually named defendants John H. Tyson et al. In support thereof, Defendants join in full and hereby incorporate by reference the contemporaneously filed Brief in Support of Motion to Dismiss Individual Defendants. Defendants request the Court deem Defendants’ reference to and incorporation of the Brief in Support to satisfy all requirements of Local 7(b) for purposes of Defendants’ Motion.

WHEREFORE, Defendants respectfully request this Court dismiss Plaintiffs’ Complaint and for such further relief as the Court deems just and necessary.

Dated: June 28, 2021

Respectfully submitted,

/s/ Nicholas A. Klinefeldt

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ATTORNEY FOR DEFENDANTS  
TOM HART, CODY BRUSTKERN,  
JOHN CASEY, BRET TAPKEN &  
HAMDIJA BEGANOVIC

### **CERTIFICATE OF SERVICE**

I hereby certify that, on June 28, 2021, a true and correct copy of the foregoing document was served upon all counsel of record via the Court's CM/ECF system.

/s/ Paulette Ohnemus